

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2013 AUG 20 AM 11:40

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|---------------------------------|---|--------------|
| JIMMY DIAZ, PRO SE, | § | |
| TDCJ-CID No. 1737301, | § | |
| Previous TDCJ-CID No. 475593, | § | |
| Previous TDCJ-CID No. 721195, | § | |
| Previous TDCJ-CID No. 1201534, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | 2:13-CV-0112 |
| | § | |
| DAVID BASSE, Doctor, | § | |
| K. WALLACE, Medical Supervisor, | § | |
| S. TENORIO, Nurse Practitioner, | § | |
| NEAL UNIT FACILITY, and | § | |
| OLIVER J. BELL, | § | |
| | § | |
| Defendants. | § | |

ORDER OF DISMISSAL

The claims in the instant suit were severed from Cause No. 2:13-CV-0080 by Order to Sever filed June 19, 2013.

Plaintiff JIMMY DIAZ, acting pro se and while a prisoner incarcerated in the Texas Department of Criminal Justice, Correctional Institutions Division, has filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants employed by or otherwise associated with the Texas Department of Criminal Justice and has been granted permission to proceed pursuant to Title 28, United States Code, section 1915.

On July 31, 2013, a Report and Recommendation was issued by the United States Magistrate Judge recommending dismissal of the instant cause for failure to state a claim on which relief can be granted.

The period for response has expired, and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by plaintiff JIMMY DIAZ is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

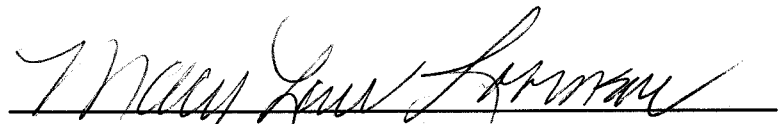
LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this the 20th day of August, 2013.


MARY LOU ROBINSON
United States District Judge